APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,764	03/22/2005	Calin Turcanu	60091.00384	4676

32294	7590	12/06/2006

SQUIRE, SANDERS & DEMPSEY L.L.P.
14TH FLOOR
8000 TOWERS CRESCENT
TYSONS CORNER, VA 22182

EXAMINER
DOAN, PHUOC HUU

ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 12/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/528,764	TURCANU, CALIN
	Examiner	Art Unit	
	PHUOC H. DOAN	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>31 October 2006</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-19</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-19</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All   b) ☐ Some * c) ☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee

set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since

this application is eligible for continued examination under 37 CFR 1.114, and the

fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous

Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's

submission filed on 10/31/2006 has been entered.

Response to Arguments

2.   Applicant's arguments filed 10/31/2006 have been fully considered but they

are not persuasive.

> **Applicant's remarks**: as outlined below, Applicant submits that the cited
>
> references of Pimentel and Arques do not teach or suggest the element of
>
> claims 1-19.
>
> **Examiner's response**: Applicant should point out the limitation of the claim
>
> what the reference does not teach. That can make argument more clearly.
>
> **Applicant's remarks**: Pimentel does not teach a bearer independent
>
> protocol providing access to bearers.

Examiner's response: the claim language has used " a bearer independent protocol" has defined by Applicant's specification as a protocol. Examples of bearer are HTTP, **TCP** (transmission control protocol), IP (Internet Protocol), **UDP** (user datagram protocol) (See Specification in page 2, lines 16-26). In fact, Pimentel clearly discloses the first protocol and second protocol, wherein the message is sent and receive based on the protocol such as **UDP, and IP** (See page 3, par. [0030], page 4, par. [0038]) described in specific how the both end mobile devices in communication that sent a message and receive a message used by protocols have supported by server application (backend system 84) on the wireless networks. However, need to show exactly the claim language, Arques discloses as same as Pimentel and used exactly the term "Bearer Independent Protocol" which used by the protocol such as **UDP, TCP or WDP** (See page 1, par. [0008], [0011]). The rejection used by the prior art of Pimentel and Arques based on the Applicant's specification meaning to claim languages.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims **1-19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Pimentel in view of **Arques (US Pub No: 2004/0131083)**.

As to claim 1, 20, Pimentel discloses a method of transmitting a messaging service message from a sender in a first system having a first structure for messages to a receiver of **a second system "multiple integrated networks, page 3, par. [0029]"** having a second structure for the messages (page 2, par. [0014-0018]), and utilizing a particular protocol, i.e **"means for choosing a protocol using a characteristic of the mobile terminated message..."** in the transmission of the message between a server "Fig. 5, item 84" and user equipment "Fig. 5, item 24" (page 2, par. [0017-0019], page 3, par. [0033]). However, Pimentel does not disclose to utilize a bearer independent protocol proving access to bearers.

In the same field of endeavor, Arques discloses to utilize bearer independent protocol proving access to bearers (page 1, par. [0008]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide of utilizing a bearer independent protocol proving access to bearers as taught by Arques to the system of Pimentel in order to allow reliable telecommunication system.

As to claim 2, Pimentel further discloses the method according to claim 1, further comprising: supporting the bearer independent protocol in a receiver's equipment; receiving the message having the first structure in a server comprising an application according to the bearer independent protocol (page 3, par. [0031-0033]); converting the message to have a structure of the bearer independent protocol (page 3, par. [0033]), and transmitting the converted message from the server to the receiver's equipment using the bearer independent protocol (page 4, par. [0036]).

As to claim 3, Pimentel further discloses the method according to claim 1, further comprising: supporting the bearer independent protocol in a sender's equipment (page 3, par. [0033]); and transmitting the message from the sender's equipment to the receiver's equipment using the bearer independent protocol (page 3, par. [0034-0035]).

As to claim 4, 16, Pimentel further discloses further comprising: if the message transmission to the receiver's equipment fails (page 3, par. [0033-0035]); converting the message to have the second structure (page 3, par. [0033-0035]; and transmitting the message to the receiver's equipment in the second structure (page 3, par. [0033-0035]).

As to claim 5, Pimentel further discloses the method according to claim 1, further

comprising: supporting the bearer independent protocol in the sender's equipment

(page 3, par. [0029]); sending the message from the sender's equipment according

to the bearer independent protocol (page 3, par. [0034]); receiving the message in a

server comprising an application according to the bearer independent protocol

(page 4, par. [0037-0039]); converting the received message from the bearer

independent protocol structure to the second structure (page 3, par. [0032-0033]);

and transmitting the converted message from the server to the receiver's equipment

(page 3, par. 0034-0035], page 4, par. [0036]).

As to claim 6, Pimentel further discloses the method according to claim 1 further

comprising: receiving the message having the bearer independent protocol

structure in a server comprising an application according to the bearer independent

protocol (page 3, par. [0030], [0034]); converting the message to have the second

structure (page 3, par. [0031-0033]); and transmitting the converted message from

the server to the receiver's equipment (page 3, par. 0034-0035], page 4, par.

[0036]).

As to claim 7, 17, Pimentel further discloses all the limitations of claim in page 3,

par. 0034], page 4, par. [0036].

As to claim 8, 18, Pimentel further discloses all the limitations of claim in page 4,

par. [0041] **"employ an IP interface to provision for UDP/IP services"**.

As to claim 9, 13, Pimentel discloses a telecommunication system comprising at a

first system having a first structure for messaging service messages (page 1, par.

[0003-0010]); a second system having a second structure for the messages (page 1,

par. [0010], page 2, par. [0014-0018]); and a server "Fig. 1, item 84 that indicated

Backend systems 84" via which a message is transmitted from the first system to

the second system **"multiple integrated networks, page 3, par. [0029]"** (page 3,

par. [0030-0034]); the server being configured to utilize a bearer independent

protocol for transmitting the message (page 3 through page 4, par. [0034-0039]).

However, Pimentel does not disclose to utilize a bearer independent protocol

proving access to bearers.

In the same field of endeavor, Arques discloses to utilize bearer independent

protocol proving access to bearers (page 1, par. [0008]). Therefore, it would have

been obvious to one of ordinary skill in the art at the time the invention was made

to provide of utilizing a bearer independent protocol proving access to bearers as

taught by Arques to the system of Pimentel in order to allow reliable

telecommunication system.

As to claim 10, Pimentel further discloses the telecommunication system

according to claim 9, wherein the first system comprises a network node having

functionality related to messaging services within the first system (page 3, par.

[0030]), the network node being configured to recognise the message sent to the

second system and forward the message to the server (page 3, par. [0031-0035]).

As to claim 11, Pimentel further discloses all the limitation of claim in page 4, par.

[0036-0039].

As to claim 12, Pimentel further discloses the telecommunication system

according to claim 9 wherein the system comprises another server configured to

utilize a bearer independent protocol for transmitting the message (page 3, par.

[0033]), one of the servers being a first server (via which the message is

transmitted from a sender in the first system to the second system and the other one

being a second server via which the message is transmitted from the first system

towards a receiver in the second system (**"SMS-C1, SMS-C2, SMS-CN; and**

APPLICATION1, APPLICATION2 of BACKEND SYSTEM 84", Fig. 5), the

first server is configured, in response to receiving the message having the first

structure, to convert the message to have a structure according to the bearer

independent protocol, and send the converted message to the second server, and

the second server is configured, in response to receiving the message having a

structure according to the bearer independent protocol, to convert the message to

have the second structure before forwarding the message to the receiver (See the

process of steps the short messages "SM" page 3, par. [0029-0035], page 4, par.

[0036-0040]).

As to claim 14, Pimentel further discloses a server according to claim 13, wherein

the server is configured (page 4, par. [0039]), in response to receiving the message

having the first structure (page 3, par. [0035]), to convert the message to have a

structure according to the bearer independent protocol before forwarding the

message (page 4, par. [0036]).

As to claim 15, Pimentel further discloses a server according to claim 14, wherein

the server is configured (page 3, par. [0030-0033]), in response to receiving a

message having a structure according to the bearer independent protocol (page 3,

par. [0034]), to convert the message to have the second structure before forwarding

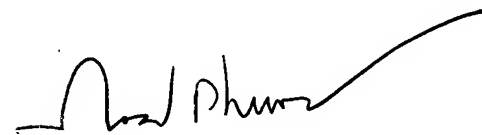the message (page 4, par. [0036]).

Conclusion

Any inquiry concerning this communication or earlier communications from

the examiner should be directed to PHUOC H. DOAN whose telephone number is

571-272-7920. The examiner can normally be reached on 9:30 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, JOSEPH FEILD can be reached on 571-272-4090. The fax

phone number for the organization where this application or proceeding is assigned

is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR

only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR system,

contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you

would like assistance from a USPTO Customer Service Representative or access to

the automated information system, call 800-786-9199 (IN USA OR CANADA) or

571-272-1000.

Phuoc Doan
11/30/06

JOSEPH FEILD
SUPERVISORY PATENT EXAMINER